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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 0112740-350													
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Application Number 09/682,901		Filed October 31, 2001													
First Named Inventor Werner Lindemann															
Art Unit 2142		Examiner Benjamin A. Ailes													
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 48,196 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p style="text-align: right; margin-top: 20px;">  _____ Signature Peter Zura _____ Typed or printed name (312) 807-4208 _____ Telephone number August 23, 2006 _____ Date </p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>															
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>															

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Werner Lindemann et al.
Appl. No.: 09/682,901
Conf. No.: 2923
Filed: October 31, 2001
Title: METHOD AND ROUTER FOR SETTING UP A CONNECTION VIA AN IP-ORIENTED NETWORK
Art Unit: 2142
Examiner: Benjamin A. Ailes
Docket No.: 112740-350

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Commissioner for Patents
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

EXPEDITED PROCEDURE REQUESTED, TECHNOLOGY CENTER 2900

Sir:

This request is submitted in response to the Final Office Action dated May 23, 2006. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review" and form PTO/SB/31, "Notice of Appeal."

Remarks begin on page 2 of this paper.

REMARKS

Claims 1-15 remain in the present application. Claims 1 and 12 are the focus of this request

Claims 1-5, 7 and 9-14 were rejected under 35 U.S.C. §102(a) as being anticipated by *Bhatia et al.* (U.S. Patent No. 6,118,768). Claim 6 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bhatia et al.* (U.S. Patent No. 6,118,768) in view of *Guerin et al.* (6,243,754). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Bhatia et al.* (U.S. Patent No. 6,118,768). Applicant respectfully submits that these rejections are improper and requests reversal by this Board.

Specifically, the cited art, alone or in combination does not teach or suggest “selecting any one of the conversion devices by said device, via a selection unit implemented in the router device, using information transferred by the device, wherein the information identifies the selected one of the conversion devices; and setting up a communications link to the select conversion device via the communications network” as recited in claim 1 and similarly recited in claim 12. As a point of clarification, Applicant wishes to note that the term “conversion device” has been defined in the specification as an “Internet Service Provider” (see specification, page 4, last paragraph), and has been interpreted as such throughout the course of prosecution.

Regarding *Bhatia*, the reference teaches the steps of connecting a device (USER), from which the connection originates, to a local computer network (Ethernet) and connecting the local computer network via a router device (LAN Modem 300 w/ router 305) to a communications network (col. 10, lines 19-42). The Office Action relies on the disclosure in FIG. 2A, which teaches that the LAN modem assigns a private IP address to each workstation that connects to the LAN and translates the individual private IP address of each of the workstations to a single public address assigned, either statically or dynamically, to the LAN modem by an ISP, by accessing a source-based routing table and a host list which collectively associate the private source IP address of a particular workstation on the LAN and a network ID for the service provider to which that workstation is ultimately connected through the LAN modem (col. 5, lines 16-26; col. 11, lines 1-23). The LAN modem also translates source and destination port number fields to assure uniqueness of a set of source/destination IP addresses, protocol ID and source/destination port numbers in packets that flow between unique client/server applications and which pass through the LAN modem so as to

provide unambiguous routing in the LAN modem between all the workstations connected to the LAN modem and associated remote servers (col. 5, lines 26-35; col. 11, line 59 - col. 12, line 34).

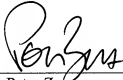
The disclosure in *Bhatia* clearly discloses that the LAN modem for multiple ISP's automatically establishes a connection with a predetermined ISP, where the ISP then assigns a dynamic public IP address to the user (col. 11, lines 50-51; col. 12, lines 2-4 - "establishes a connection through LAN modem 300 to his(her) ISP"). Using the dynamic public IP address, the LAN modem coverts public IP addresses to the respective private IP address and vice versa, to link between two ISP's according to the dynamic public IP address assigned to the private IP address (col. 12, lines 9-24). Under this configuration, the appearance is given within the network that the transmissions are occurring within the context of a single user (col. 5, lines 36-40).

The Office Actions have failed to reconcile how a "selection unit" is disclosed in *Bhatia*, and further fails to disclose how users are "selecting any one of the [ISP's]," given that the transparency provided in the teaching of *Bhatia* (i.e., that the ISP's are "invisible" to the user) negates the ability of a user to select anything. Furthermore, the present claims recite that the selection is made using information transferred from the device, "wherein the information identifies the selected one of the conversion devices and sets up a communications link to the selected conversion device via the communications network. ISP selection in *Bhatia* also does not occur based on information which is transmitted to the associated router device, wherein the information identifies the selected conversion device. Furthermore, since *Bhatia* must establish all public and private connections prior to translating (col. 11, line 59 - col. 12, line 34 - each user must establish a connection with their own ISP, prior to translation), and then automatically translates according to a stored translation table, *Bhatia* fails to teach the system setting up a communication link to a selected conversion device. Accordingly, Applicants respectfully submit the rejection is improper and should be reversed by this Board.

In light of the above, Applicants respectfully submit that independent claims 1 and 12 of the present application, as well as claims 2-11 and 13-15 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case. If any fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818.

Application No.: 09/682,901
Notice of Appeal and Pre-Appeal Brief Request
Responsive to Final Rejection dated May 23, 2006

Respectfully submitted,
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Dated: August 23, 2006